

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**CENTRAL LABORERS' PENSION  
WELFARE AND ANNUITY FUNDS,**

**Plaintiff,**

**v.**

**MIDWESTERN MASONRY &  
RESTORATION, INC., et al,**

**Defendant.**

**No. 09-468-DRH**

**ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court for case management purposes. On November 23, 2009, the Court entered an Order staying the case pursuant to the automatic stay provision of **11 U.S.C. § 362(a)** of the Bankruptcy Code (Doc. 11).<sup>1</sup> The parties were instructed to inform the Court once bankruptcy proceedings were completed. However, the bankruptcy proceedings appear to have been discharged on April 6, 2010 with Plaintiff appearing to be subject to Defendant's Chapter 7 discharge, but the parties have not informed the Court of the discharge nor has any action been taken in the case since the Court issued the stay. The Court sees no reason for this matter to remain pending. Therefore, the Court **ORDERS** Plaintiff to show cause as to why this case should not be dismissed without prejudice.

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<sup>1</sup>Specifically, Defendant Ryan Malter f/d/b/a RM Masonry and d/b/a Midwestern Masonry & Restoration Inc. filed a suggestion of bankruptcy (Doc. 9) stating that Defendant Malter had filed for Chapter 7 Bankruptcy on November 9, 2009.

Plaintiff has up to and including **September 14, 2010** in which to file a response showing cause, seeking to release the stay, or dismiss the action. If Plaintiff fails to show cause, the matter will be dismissed without prejudice pursuant to the discharge.

**IT IS SO ORDERED.**

Signed this 31st day of August, 2010.

/s/ David R. Herndon

**Chief Judge  
United States District Court**